

CLERK OF COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE
55 Pleasant Street
Concord, NH 03301

CLERK OF COURT
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FILED

RE: Why FMC Devens Has Not Filed A Certificate Of Dangerousness

Dated: July 01, 2013

Dear Clerk James B. Starr;

I received a docket number of my Petition 2241, and the case number is 1:13-cv-11094-NMG, in which the United States District Judge for the District of Massachusetts stated in his Court-Order on June 17, 2013 in which Judge Nathaniel M. Gorton checked the PACER (Public Access to Court Electronic Records) reveals that Brian E. Mahoney is only a defendant in a criminal matter now pending in the District of New Hampshire, See United States v. Brian E. Mahoney, case number 1:11-CR-00006-01-JL.

There was no issue in the District of Massachusetts at all, pursuant to 18 U.S.C. § 4247 which this Statute control's the timeline in which the Bureau of Prison has to further evaluate me, and that is 45 days, however the Warden Jeff Grondolsky can ask for addditional time of only 30 more days, after that the Warden has to file a Certificate of Dangerousness in order to stay my release, but Judge Gorton made it perfectly clear that although ther is an outstanding issue of whether I am competent to stand trial, but there was no issue of anyone filing a Certificate of Dangerous that must be filed to stay my release and that Id, pursuant to 18 U.S.C. § 4246(a), and by Judge Gorton's Court-Order no such Certificate was ever filed in the District of Massachusetts. I had addressed this issue with my criminal defense Attorney Schulman who has lied to the Disability Law Center and told Attorney Brandy Gonzales that I am schuduled to have a civil commitment hearing last week.

CC/File

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Enclosed copy of Judge Gorton's Order.

Brian E. Mahoney Pro Se
Brian Mahoney #12232-049
FMC Devens, P.O. box879
Aver. MA 01432

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRIAN MAHONEY,)
Petitioner,)
v.) C.A. No. 13-11094-NMG
UNITED STATES OF AMERICA,)
Respondent.)

MEMORANDUM AND ORDER

For the reasons set forth below, the Court construes this action as seeking habeas relief pursuant to 28 U.S.C. § 2241 and denies the petition without prejudice and without payment of the filing fee.

BACKGROUND

Before the Court is Brian Mahoney's self-prepared pleading titled "petition to be released on personal recognizes." The "petition" is accompanied by two motions for appointment of counsel. Petitioner did not pay the \$5.00 filing fee or file a fee-waiver application.¹

Petitioner is detained at FMC Devens in Ayer, Massachusetts and a search of this Court's records reveals that he is not a party to any action in the District of Massachusetts other than

¹Ordinarily, a petitioner will be granted additional time to comply with the filing fee requirements. However, for the reasons set forth below, the petition is subject to dismissal without prejudice.